IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 15049 of 2004

Between:

1. Grameena Vikasa Samstha, Ananthapur, Registered Educational Society, rep. by its President B.N. Reddy,S/o. B. Narasimha Reddy 36 Years .
2 Shanthi Professional Educational Society, Door No. 54-11-44, Adityanagar, Visakhapatnam, rep. by its President N. Ashok Kumar, S/o. Adinarayana,44 Years.

..... PETITIONER(S)

AND

1 The Secretary to Government, Health, Medical and Family Welfare, Govt., of A.P., Secretariat, Hyd.
2 The Director of Medical Educational/President, A.P.Nursing and Midwifes Council, Sultan Bazar, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not issuing the application forms to the petitioners societies for starting the school of Nursing at Ananthapur and Visakhapantm is illegal, arbitrary, improper and against the principles of natural justice and consequently direct the 2nd respondent to issue application forms to the petitioners societies for starting the school of Nursing Course at Ananthapur and Visakhapatnam after receiving the application fee of Rs. 10,000/- from the each petitioner.

For the Petitioner: MR.VADDIPAMULETY, Advocate

For the Respondents: GP FOR MEDICAL HEALTH & FAMI.WELFARE

The Court made the following :

ORDER

The grievance of the petitioners in this writ petition is that in spite of petitioners submitted their requisitions on 25-5-2004 to the Chairman, Selection Committee for Paramedical Institutiions, Government of Andhra Pradesh, Hyderabad, for issuance of applications for starting School of Nursing at Anantapur and Visakhapatnam, applications were not furnished to the petitioners for enabling them to apply as such, which is arbitrary and illegal as they are entitled to receipt of the applications as was directed by the Division Bench in WA Nos.2220 of 2003 dt. 23-12-2003.

In the above writ appeal, there was a notification issued where cut off date for supplying applications forms was fixed as 31-7-2003. As application was not furnished, the petitioner filed WP and obtained interim orders on 31-7-2003, which was subsequently modified on 1-8-2003. Under those circumstances, this court directed the respondents to supply application form to the appellant within a period of two weeks subject to the appellant submitting fresh demand drafts of Rs.10,000/- each. In case appellant submits the duly filled in applications within two weeks from the date of obtaining such application, the same shall be duly considered and taken on merits within a period of one month thereafter. But in the present case, no notification as such was issued fixing any cut off date for issuance of application forms for starting Schools of Nursing at Anantapur and Visakhapatnam. Except stating that the second respondent processed applications for starting School of Nursing at Hyderabad by M/s. Maheswari Educational Society, Hyderabad, the petitioners did not state anything with regard to the notification inviting applications for starting School of Nursing.

Unless necessary notification with regard to establishing colleges is issued, the question of issuing applications to the petitioners enabling them to establish colleges does not arise. If

any such notification is issued, the respondents cannot refuse the request of the petitioners. In the event of issuance of any notification specifying the need of establishing School of Nursing at Anantapur and Visakhapatnam, the respondents shall consider the request of the petitioners for issuance of application forms.

With the above direction, the writ petition is disposed of.

-

_____ A.GOPAL REDDY,J

Dt. 16-9-2004

kmr

To

1 The Secretary to Government, Health, Medical and Family Welfare, Govt of A.P., Secretariat, Hyd.
2 The Director of Medical Educational/President, A.P.Nursing and Midwifes Council, Sultan Bazar, Hyderabad.

3. 2 CCs to the G.P.for Medical, Health and Family Welfare, High Court Buildings, Hyderabad (OUT).

4. 2CD copies